IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6453 of 2007()

[CRIME NO.357/07 OF AROOR POLICE STATION]

: PETITIONER/ACCUSED NO.1

ROJAN, AGED 22 YEARS,
S/O.JOSEPH, PADINJAREPULIKKEZHATHU,
AROOR PANCHAYATH, AROOR, CHERTHALA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.P.V.ANILKUMAR

RESPONDENTS: COMPLAINANTS

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1. THE SUB INSPECTOR OF POLICE,
AROOR POLICE STATION, AROOR, CHERTHALA TALUK.

2. CIRCLE INSPECTOR OF POLICE,
KUTHIATHODU, CHERTHALA TALUK.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
CHERTHALA.

4. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, BY PUBLIC PROSECUTOR SRI.S.U.NAZAR.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6453 of 2007

Dated this the 24th day of October 2007

O R D E R

This is the second application for anticipatory bail. The petitioner faces allegations inter alia under Section 324 I.P.C and Section 27 of the Arms Act. The earlier application filed by the petitioner was dismissed as per common order dated 12/09/2007 in B.A.Nos.5484 & 5517 of 2007. The claim for anticipatory bail of the petitioner was considered in detail and while the co-accused were granted anticipatory bail, the petitioner was directed to surrender before the learned Magistrate or the investigating officer and seek regular bail.

2. The petitioner has come to this court again now with the renewed prayer for anticipatory bail. The earlier order remains unchallenged. When such a second application is filed for anticipatory bail, it is incumbent on the petitioner to show change of circumstances, if any, to justify this court entertaining the anticipatory bail application afresh.

3. What are the change of circumstances? The learned counsel for the petitioner has not brought to my notice any change of circumstances except that investigation has proceeded

further by a span of about forty days. No other reasons are urged. In such investigation, no circumstance favourable to the accused has been revealed also. The only further submission by the learned counsel for the petitioner is that he had omitted to produce certain documents before this court when the bail application was considered earlier. He has suffered injuries. In support of that theory, he has produced Annexure A1 certificate. He further points out that a private complaint was filed by one Ponnammal, a person closely associated with the de facto complainant. These two further circumstances also deserve to be taken note of, submits the learned counsel for the petitioner.

4. I am unable to agree that there are any circumstances which can persuade this court to consider the application for anticipatory bail afresh. The requirement of showing relevant change of circumstances has not been satisfied by the petitioner. Annexures A1 and A2 do not at all persuade me to consider the request for anticipatory bail afresh and take a different view.

5. In these circumstances, this petition deserves to be and is hereby dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007